

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID HENRY PINCKNEY,

Plaintiff,

-v-

1:23-CV-1476

NEW YORK DEPARTMENT
OF MOTOR VEHICLES,

Defendant.

APPEARANCES:

OF COUNSEL:

DAVID HENRY PINCKNEY
Plaintiff, Pro Se
268 Highland Avenue
Passaic, NJ 07055

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On November 27, 2023, *pro se* plaintiff David Henry Pinckney (“plaintiff”) filed this civil rights action alleging that defendant New York Department of Motor Vehicles erroneously suspended his driver’s license. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 28, 2024, U.S. Magistrate Judge Christian F. Hummel granted plaintiff's IFP Application, conducted an initial review of the pleading, and advised by Report & Recommendation ("R&R") that plaintiff's complaint be dismissed with prejudice and without leave to amend. Dkt. No. 4. As Judge Hummel explained, the New York Department of Motor Vehicles is a State agency that is immune from suit in federal court. *Id.*

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 4. Upon *de novo* review, the R&R is accepted and will be adopted. *See* 28 U.S.C. § 636(b)(1)(C).

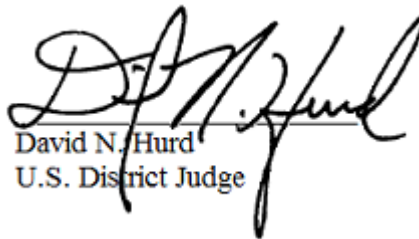
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED with prejudice and without leave to amend.

IT IS SO ORDERED.

Dated: April 22, 2024
Utica, New York.


David N. Hurd
U.S. District Judge